

IN The United States District Court for The Middle District of Pennsylvania

Joshua Payne,
Plaintiff,

NO.

V.

L. White, P. Bora,
P. Buddick, M. Loscal,
J. Williams, B. Mason,
J. Doe, J. Doe
Defendants

Jury Trial Demanded

Complaint

This is a civil action arising out of the acts and omissions of Pennsylvania Department of Corrections employees at State Correctional Institution at Mahanoy. In Violation Plaintiff's U.S. Constitution under the 8th and 14th amendments and Medical Negligence, Plaintiff seeks damages against each individual named in this Complaint separately and severally.

Jurisdiction and Venue

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. §1331 & §1343
2. This Court also has Supplemental Jurisdiction pursuant to 28 U.S.C. §1367
3. Venue is proper in this District pursuant to 28 U.S.C. §1341(b), because the Claims arose within the Middle District of Pennsylvania.

The Parties

4. Plaintiff Payne is an inmate currently housed at SCI-Mahanoy.

5. Defendant White is an employee at SCI-Mahany and She holds the Position of Deputy Superintendent.
6. Defendant Bora is an employee at SCI-Mahany and She holds the Position of Medical Director.
7. Defendant Baddick is an employee at SCI-Mahany and he holds the Position of Medical Director.
8. Defendant Loscal is an employee at SCI-Mahany and he holds the Position of Medical Director.
9. Defendant Williams is an employee at SCI-Mahany and She holds the Position of Physician Assistant.
10. Defendant John Doe #1 is an employee at SCI-Mahany and he holds the Position of Physician Assistant.
11. Defendant John Doe #2 is an employee at SCI-Mahany and he holds the Position of Physician Assistant.
12. All defendants at all relevant times herein were acting under color of State law and are being Sued in both of their Capacities.

Facts of The Case

13. Plaintiff was diagnose with type 2 diabetes between 2016 or 2017.
14. Due to Plaintiff's type 2 diabetes he had to take Insulin.
15. Plaintiff had to take an Combination of different Insulin.
16. In April 2021, Plaintiff noticed that his feet and legs were Swollen and he had Pain and numbness in them

17. So Plaintiff went to Sick-Call and he was seen by John Doe #1 who examined Plaintiff and seen his Swollen feet and legs and Prescribed an medication that was suppose to take the Swelling away. No medication was Prescribed for the Pain and numbness Plaintiff experiencing in his feet and legs.

18. For about two to three weeks of taking Prescribe medication but with no change in his condition Plaintiff with back to Sick-Call and he was seen by John Doe #2.

19. Defendant John Doe #2 examined Plaintiff and he seen that Plaintiff did have Swollen feet and legs, and Defendant John Doe #2 Prescribed medication that is suppose to make Plaintiff's Swelling Go away.

20. Again no medication was Prescribed to treat the Pain and numbness in Plaintiff's Swollen feet and legs.

21. Plaintiff was then called for Chronic care and Plaintiff was seen by defendant Loscal and defendant Loscal examined Plaintiff and he seen that Plaintiff's feet and legs was Serevelly Swollen and medication was Prescribe to treat Plaintiff's Swollen feet and legs.

22. Plaintiff told defendant Loscal about the Pain and numbness he was having in his feet and legs. Defendant Loscal told Plaintiff that he has Diabetic Neuropathy no medication was Prescribe to treat this Diabetic Neuropathy.

23. For months Plaintiff went back and forth to Sick-Call Complaining about his Swollen feet and legs and the Sereve Pain and numbness he was having in them defendants Williams, Doe#1 and Doe#2 did nothing to relived Plaintiff's Condition.
24. On or about July 25, 2021, Plaintiff went to Sick-Call Com plaining about his Swollen feet and legs. As well as the Sereve Pain and numbness he had in them.
25. Plaintiff was Seen by defendant Doe#2 and due to Plaintiff's Condition defendant Doe#2 admitted the Plaintiff to the Infirmary w/ at medical.
26. Before Plaintiff was admitted to the Medical Infirmary Plaintiff was taking an Combination of three (3) different Insulins which was:
27. Regular/Short acting, Intermediate acting, and Long Acting Insulin.
28. While in the Infirmary defendant Bora discontinue Plaintiff's Regular/Short acting and his Intermediate acting Insulins and his diabetic Pills and just left him with only the long acting Insulin.
29. Plaintiff asked defendant Bora why was his medication discontinued and he was told to Save money.
30. On or about August 2, 2021, Plaintiff spoke to defendant Baddick about Getting his Insulin back and medications to treat his diabetes and defendant Baddick told the Plaintiff he is not going Against another doctor treatment.

31. Later that same day the Plaintiff was released from the infirmary in medical.
32. For days due to Plaintiff's diabetic medication was discontinued by defendant Bora Plaintiff's blood sugar levels stayed in the 350's and 450's.
33. Due to the constant blood sugar being over 400 for over a week Plaintiff was sent to the ER due to elevated/high glucose level and because Plaintiff's feet and legs were still swollen, plus the pain and numbness was too much to bear.
34. Because of Plaintiff's high blood sugar he was given an I.V. and his system was flushed also the ER doctor told Plaintiff that he had diabetic neuropathy in his feet and legs after tests were done.
35. The ER doctor made some adjustments to Plaintiff's diabetic therapy before sending him back to the institution.
36. Defendant Bora and Baddick did not consider the ER doctor's recommendations or adjustments. So again Plaintiff was sent back to the ER due to high/elevated glucose levels and blood sugar.
37. Plaintiff even changed his eating habits and changed his diet and now only eats ~~fresh~~ fresh fruits and vegetables.
38. Plaintiff filed an inmate grievance against all named and yet to be named defendants, but it was denied.

39. Plaintiff spoke to defendants Mason and White about SCI-Mahanoy's Medical department and about the Plaintiff on going issues with not receiving proper and adequate diabetic / medical treatment. When they did their rounds on AB Unit and Plaintiff was told that they will fix it. Plaintiff even showed both defendants his Swollen feet and legs.
40. To date defendants Mason and White have not did nothing to fix or relived the Plaintiff's medical conditions.
41. SCI-Mahanoy's Medical Department has an long history of not providing inmates proper and adequate medical treatment to their inmate population when it cost to much.
42. SCI-Mahanoy's Medical Department has a Practice and/or Custom of Gross Medical Negligence when performing there medical duties upon their inmate Population
43. Defendant Bora has even discontinued Plaintiff's insulin in the Morning which is unusally because ~~and~~ an diabetic need to at least check there blood sugar twice aday.

Claims For Relief

Medical Negligence

44. Plaintiff realleges and Incorporates by Reference Paragraphs 1-43 above as if fully set forth herein.

45. Defendants Bora, Baddick, Williams, Loscal, Doe#1, and Doe#2, had and/or owned Plaintiff a duty that they had to provide proper and adequate medical treatment

Deliberate Indifference

46. Plaintiff realleges and Incorporates by Reference Paragraphs 1-43 above as if fully set forth herein.

47. Defendants Bora, Baddick, Williams, Loscal, Doe#1 and Doe#2, acts and or omissions of not providing proper and adequate Medical treatment constitutes deliberate indifference because they had knowledge of Plaintiff medical conditions or they were deliberate indifferent to that medical need under the 8th amendment.

Failure to Intervene

48. Plaintiff realleges and Incorporates by Reference Paragraphs 1-43 above as if fully set forth herein.

49. Defendants Mason and White acts and omissions by not intervening or investigating the unconstitutional and Medical negligence of their Subordinates constitutes an violation of Plaintiff's 8th amendment rights.

Relief Requested

Wherefore, Plaintiff's requests that this Court Grants the following relief:

- A. Declare that all mentioned defendants violated the Plaintiff's right;
- B. Award Compensatory damages relief from each defendant Serevely and Jointly;
- C. Award Punitive damages relief from each defendants Serevely and Jointly
- D. Any and all other Such other relief deem Suitable under law.

Date: 3-30-22

Respectfully Submitted
By Joshua Payne
Joshua Payne #GQ5980
SCL Mahanoy
301 Morea RD
Frackville, Pa 17932

Verification

I, Joshua Payne #GQ5980, hereby declares that the facts stated in the complaint are true to his best of his knowledge, and that the facts stated on information and belief are true to the best of his knowledge and belief.

Pursuant to 28 U.S.C. § 1746
Under Penalty of Perjury.

Date: 3-30-22

Respectfully Submitted

BY: Joshua Payne
Joshua Payne #GQ5980
SCI-Mahanoy
301 Morea RD
Frankville, Pa 17932

CIVIL COMPLAINT FORM TO BE USED BY A *PRO SE* PRISONER

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Joshua Payne GQ5980
Full Name of Plaintiff Inmate Number

v.

See complaint
Name of Defendant 1

Name of Defendant 2

Name of Defendant 3

Name of Defendant 4

Name of Defendant 5

(Print the names of all defendants. If the names of all defendants do not fit in this space, you may attach additional pages. Do not include addresses in this section).

Civil No. _____
(to be filled in by the Clerk's Office)

☒ Demand for Jury Trial

☐ No Jury Trial Demand

I. NATURE OF COMPLAINT

Indicate below the federal legal basis for your claim, if known.

- ☒ Civil Rights Action under 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Civil Rights Action under Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388 (1971) (federal defendants)
- ☐ Negligence Action under the Federal Tort Claims Act (FTCA), 28 U.S.C. § 1346, against the United States

II. ADDRESSES AND INFORMATION

A. PLAINTIFF

Name (Last, First, MI)	See Complaint
Inmate Number	
Place of Confinement	
Address	
City, County, State, Zip Code	

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

B. DEFENDANT(S)

Provide the information below for each defendant. Attach additional pages if needed.

Make sure that the defendant(s) listed below are identical to those contained in the caption. If incorrect information is provided, it could result in the delay or prevention of service of the complaint.

Defendant 1:

Name (Last, First)	See Complaint
Current Job Title	
Current Work Address	
City, County, State, Zip Code	

Defendant 2:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 3:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 4:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

Defendant 5:

Name (Last, First)

Current Job Title

Current Work Address

City, County, State, Zip Code

see complaint

III. STATEMENT OF FACTS

State only the facts of your claim below. Include all the facts you consider important. Attach additional pages if needed.

- A. Describe where and when the events giving rise to your claim(s) arose.

See Complaint

- B. On what date did the events giving rise to your claim(s) occur?

- C. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?)

IV. LEGAL CLAIM(S)

You are not required to make legal argument or cite any cases or statutes. However, state what constitutional rights, statutes, or laws you believe were violated by the above actions. If you intend to assert multiple claims, number and set forth each claim in separate paragraphs. Attach additional pages if needed.

See Complaint

V. INJURY

Describe with specificity what injury, harm, or damages you suffered because of the events described above.


VI. RELIEF

State exactly what you want the court to do for you. For example, you may be seeking money damages, you may want the court to order a defendant to do something or stop doing something, or you may be seeking both types of relief. If you are seeking monetary relief, state your request generally. Do not request a specific amount of money.

VII. SIGNATURE

By signing this complaint, you represent to the court that the facts alleged are true to the best of your knowledge and are supported by evidence, that those facts show a violation of law, and that you are not filing this complaint to harass another person or for any other improper purpose.

Local Rule of Court 83.18 requires *pro se* plaintiffs to keep the court informed of their current address. If your address changes while your lawsuit is being litigated, you must immediately inform the court of the change in writing. By signing and submitting the complaint form, you agree to provide the Clerk's Office with any changes to your address where case-related papers may be served, and you acknowledge that your failure to keep a current address on file with the Clerk's Office may result in dismissal of your case.



Signature of Plaintiff

3-29-22

Date

Percy Allen #QA0084
301 Morea Rd
Frackville Pa 17932

Case 1:22-cv-00559-JKM

Document 1

Filed 04/18/22

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INMATE MAIL
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APR 18 2022

PER _____
DEPUTY CLERK

